

United States Bankruptcy Court
Eastern District of Washington

In re:
GIGA WATT INC
Debtor(s)

Case No. 18-03197-FPC
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0980-2
Date Rcvd: Oct 20, 2020

User: notice
Form ID: pdf002

Page 1 of 3
Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2020:

Recip ID	Recipient Name and Address
aty	+ Mark Waldron, Mark D. Waldron, 6711 Regents Blvd. W., Suite B, Tacoma, WA 98466-5421
cr	+ Jun Dam, 237 Kearny #9096, San Francisco, CA 94108-4502
4035131	+ Pamela M Egan, Paul H Beattie, CKR Law LLP, 506 2nd Avenue, 14th Floor, Seattle, WA 98104-2343

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2020 at the address(es) listed below:

Name	Email Address
Adam C. Doupe	on behalf of Interested Party Allrise Financial Group doupe@ryanlaw.com doupear96329@notify.bestcase.com
Angie Lee	on behalf of Creditor Washington State Taxing Agencies bculee@atg.wa.gov
Benjamin A Ellison	on behalf of Creditor Committee Unsecured Creditors' Committee benaellison@gmail.com
Benjamin J McDonnell	on behalf of Creditor Clever Capital LLC ben@pyklawyers.com, lauren@pyklawyers.com, eboudreau@pyklawyers.com, ncross@pyklawyers.com
Benjamin J McDonnell	on behalf of Defendant Clever Capital LLC ben@pyklawyers.com,

lauren@pyklawyers.com,eboudreau@pyklawyers.com,ncross@pyklawyers.com

Benjamin J McDonnell

on behalf of Creditor David M Carlson ben@pyklawyers.com
lauren@pyklawyers.com,eboudreau@pyklawyers.com,ncross@pyklawyers.com

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lauren@pyklawyers.com,eboudreau@pyklawyers.com,ncross@pyklawyers.com

Benjamin J McDonnell

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Christopher F Ries

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Danial D Pharris

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amber@overcastlaw.com,lindat@overcastlaw.com,debbie@overcastlaw.com;kazembadr92395@notify.bestcase.com

David A Kazemba

on behalf of Creditor Giga Plex LLC dkazemba@overcastlaw.com,
amber@overcastlaw.com,lindat@overcastlaw.com,debbie@overcastlaw.com;kazembadr92395@notify.bestcase.com

David R Law

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Dominique R Scalia

on behalf of Interested Party Unsecured Creditors Committee of Giga Watt Inc. dscalialaw@lawdbs.com paralegal@lawdbs.com

Dominique R Scalia

on behalf of Attorney DBS Law dscalialaw@lawdbs.com paralegal@lawdbs.com

Douglas A. Hofmann

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Gary W Dyer

on behalf of U.S. Trustee US Trustee Gary.W.Dyer@usdoj.gov

Gretchen J. Hoog

on behalf of Attorney Emerald City Statewide LLC ghoog@pcslegal.com danderson@pcslegal.com

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John Knox

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Kathryn R McKinley

on behalf of Creditor Douglas County PUD kathryn.mckinley@painehamblen.com ads@painehamblen.com

Mark Waldron

trustee@mwaldronlaw.com mark@mwaldronlaw.com

Pamela Marie Egan

on behalf of Defendant The Potomac Law Group a Washington DC Limited Liability Partnership pegan@potomacclaw.com

Pamela Marie Egan

on behalf of Defendant Mark D. Waldron pegan@potomacclaw.com

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Pamela Marie Egan	on behalf of Defendant Pamela M Eagan pegan@potomacclaw.com
Pamela Marie Egan	on behalf of Plaintiff Mark Waldron pegan@potomacclaw.com
Pamela Marie Egan	on behalf of Defendant GIGA WATT INC pegan@potomacclaw.com
Quentin D Batjer	on behalf of Creditor Port of Douglas County pam@dadkp.com quentin@dadkp.com
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Shauna S Brennan	on behalf of Creditor ECO Diversified Holdings Inc. sbrennan@outsidegeneralcounsel.com, admin@outsidegeneralcounsel.com
Tara J. Schleicher	on behalf of Interested Party EcoChain Inc. tara.schleicher@foster.com, kesarah.rhine@foster.com
US Trustee	USTP.REGION18.SP.ECF@usdoj.gov
Vanessa Pierce	on behalf of Creditor David M Carlson vprollins@gmail.com
Vanessa Pierce	on behalf of Creditor Clever Capital LLC vprollins@gmail.com
William L Hames	on behalf of Creditor Port of Douglas County billh@hawlaw.com mecqueh@hawlaw.com,juliem@hawlaw.com,frontdesk@hawlaw.com,carmenb@hawlaw.com,katies@hawlaw.com
TOTAL: 44	

So Ordered.

Dated: October 20th, 2020



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

**ORDER: (I) APPROVING THE
SALE OF MOSES LAKE
EQUIPMENT AND RELATED
RELIEF, (II) APPROVING BID
PROCEDURES, AND (III)
SHORTENING TIME TO OBJECT**

This matter came to be heard on the *Chapter 11 Trustee's Motion for Order (i) Approving the Sale of Moses Lake Equipment and Related Relief, (ii) Approving Bid Procedures, and (iii) Shortening Time to Object* (the "Motion") [Doc No. 720] on October 19, 2020 at 10:00 a.m. (the "Hearing"). Unless otherwise defined herein, capitalized terms have the meanings ascribed to them in the Motion.

Order: (i) Approving
Sale of Moses Lake Equipment, etc. – Page 1

1 Based upon the Motion, the record before the Court, and the Objection to
2 the Motion, filed on October 8, 2020 [[Doc 753](#)], the Court made the following
3 findings of fact and conclusions of law at the Hearing:

4 1. On September 30, 2020, this case converted to one under Chapter 7 of
5 the Bankruptcy Code by [Order](#) of this Court. Mark D. Waldron is the duly
6 appointed Chapter 7 Trustee herein.

7 2. The interests asserted in the Objection will be adequately protected if
8 the Chapter 7 Trustee holds the Sale proceeds until those asserted interests are
9 resolved.

10 3. Delay is not possible. The ML Equipment will be lost upon delay.

11 4. Mr. Jun Dam is not a miner owner.

12 5. Mr. Jun Dam is not a lawyer.

13 6. Mr. Jun Dam has synthesized the arguments of those who signed the
14 Objection.

15 7. The Sale is in good faith.

16 8. The Chapter 7 Trustee is exercising reasonable business judgment
17 with respect to the Sale.

18 9. Notice of the Sale is sufficient. The request for shortened notice was
19 denied to allow more time for any objecting parties or interested bidders to
20 participate.

21 10. Pursuant to 11 U.S.C. § 704(a)(1), the Chapter 7 Trustee has a duty to
22 collect and reduce to money all property of the estate.

23 Order: (i) Approving
24 Sale of Moses Lake Equipment, etc. – Page 2

1 11. The ML Equipment is property of the estate pursuant to 11 U.S.C.
2 § 541(a)(1) which provides that the estate is comprised of “all legal or equitable
3 interests of the debtor in property as of the commencement of the case.” *Id.*

4 12. Pursuant to 11 U.S.C. §§ 363(b) and (f), the Chapter 7 Trustee has the
5 authority to complete the Sale free and clear of any interest in the ML Equipment.
6 The interest asserted in the Objection is in *bona fide* dispute. 11 U.S.C.
7 § 363(f)(4). The parties signing the Objection “could be compelled, in a legal or
8 equitable proceeding, to accept a money satisfaction of such interest.” 11 U.S.C.
9 § 363(f)(5).

10 13. It is appropriate in a liquidation case to provide that an asserted
11 interest in property sold will attach to the sale proceeds to the extent of the
12 asserted interest.

13 14. An appropriate way to determine the value of property to be sold is to
14 put the property up for sale and learn what people are willing to pay.

15 Any other findings of fact and conclusions of law made by the Court at the
16 Hearing and in the contemporaneous Findings of Fact and Conclusions of Law
17 In Support of Order Authorizing Sale of Moses Lake Equipment are incorporated
18 herein by reference as if set forth fully herein as provided in Rule 7052 of the
19 Federal Rules of Bankruptcy Procedure.

20 ACCORDINGLY, IT IS HEREBY ORDERED THAT THE MOTION IS
21 GRANTED AND FURTHER ORDERED THAT

22 1. The Sale Agreement is approved.

23 _____
24 Order: (i) Approving
25 Sale of Moses Lake Equipment, etc. – Page 3

1 2. The Chapter 7 Trustee is authorized to proceed with the Sale on
2 terms that are no less favorable to the estate than the terms of the Sale Agreement
3 pursuant to an oral auction to be conducted by the Chapter 7 Trustee.

4 3. The Bidding Procedures are approved. No credit bids will be allowed
5 or accepted.

6 4. The form of the Notice and the manner of its service are approved.

7 5. The Sale is found and is deemed to have been made in good faith.

8 6. The 14-day stay provided by Rule 6004(h) of the Federal Rules of
9 Bankruptcy is waived.

10 7. The Trustee shall hold the Sale proceeds until further Order of this
11 Court so that the ownership rights of creditors in the property sold, if any,
12 will attach to the sale proceeds.

13 8. This Order shall be valid and fully effective immediately upon its
14 entry.

15 **/// END OF ORDER ///**

16
17
18 **PRESENTED BY:**

19 Pamela M. Egan, Esq.
20 Potomac Law Group PLLC
21 1905 7th Ave. W
22 Seattle, WA 98110
23 Tel.: 415-297-0132

24 Email: pegan@potomacclaw.com

25 *Proposed Attorneys for Mark D. Waldron,
as Chapter 7 Trustee*

Order: (i) Approving
Sale of Moses Lake Equipment, etc. – Page 4